

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate L. Taylor.

DELEGATE L. TAYLOR: Mr. Mudd, in Baltimore City we have the Towson court and we also have the housing and rent court.

Under the definition of functional, for instance, if the district court were created in Baltimore City, would the assignment of the housing cases pertaining to tenants and the assignment of cases pertaining to rent matters, be assigned under a functional system to one particular court?

I am trying to get the meaning of functional.

THE CHAIRMAN: Delegate Taylor, could the Chair restate your question?

DELEGATE L. TAYLOR: Yes.

THE CHAIRMAN: Delegate Mudd, the Chair believes that Delegate Taylor is asking you whether if this provision recommended by the Commission, or by the Committee, were in the constitution, would the court or someone else have the authority to create in the district court functioning in Baltimore City a rent court, or a similar division?

Is that your question, Delegate Taylor?

DELEGATE L. TAYLOR: I am trying to find out whether the Court of Appeals could create this by itself.

THE CHAIRMAN: Could the Court of Appeals create a rent court division of the district court in Baltimore City? Is that your question?

DELEGATE L. TAYLOR: Yes, sir.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: The answer to that question is yes, as a functional division of the court, the district or superior court to which the jurisdiction in that area was so assigned could do so.

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: That would combine the rent matters along with the problems of tenants, sanitary problems of tenants within the same court, or could they make a distinction and assign them to another division of the district court?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: If all of those requirements were within the jurisdiction of

that particular court, say the district court, then a functional division of the district court could be created to handle all those problems you have mentioned.

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: In other words, this is a functional matter. It is not a legislative matter.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: We think so, completely.

THE CHAIRMAN: The Chair recognizes Delegate Willoner to speak in favor of the amendment.

DELEGATE WILLONER: Mr. Chairman, I just wanted to answer some comments made by Judge Sherbow. I agree with everything he has said. There is nothing in this amendment that would foreclose what he proposed.

All this does is share the responsibility. In other words, this is concurrent jurisdiction. The chances are that 99 per cent of these matters will be handled by the court. It is only where there are certain areas where the legislature may act to nudge the court into action, and if the court does not like it, the next day it can change the rules, and go back to what it wanted to do anyway. However, it is the principle of putting this absolute power without appeal in the hands of the Court, without any check at all, that is objectionable in this particular provision as it is drafted by the Committee.

THE CHAIRMAN: Are you ready for the question? Delegate Hargrove.

DELEGATE HARGROVE: Mr. Chairman, I rise in opposition to this amendment. I think we are really talking about two different things. I think Delegate Willoner is really talking about power. I would suggest that this amendment was placed in the majority report for not only Baltimore City, but for the several counties who have a tremendous amount of legal work which does not fall in any one neat little package. It almost stands to reason that places like Baltimore City, Montgomery County, Baltimore County, Anne Arundel County, and in the future we do not know how many counties, will be impossible if you cannot create functional divisions.

Now, in Baltimore City I would guess that when all of the lower courts were created, and they were created by consti-